



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,840	02/27/2004	John M. Kokosa	KJD-100-A	6903
22825	7590	11/03/2005	EXAMINER BELLAMY, TAMIKO D	
WILLIAM M HANLON, JR YOUNG & BASILE, PC 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084-3107			ART UNIT 2856	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/788,840	KOKOSA, JOHN M.	
	Examiner	Art Unit	
	Tamiko D. Bellamy	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/31/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **14**.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

a. Page 8, par.73, line 4, after the word gripper change "52" to -56 --.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2856

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Johnson et al. (5,760,299) or Johnson et al. (5,531,959) in view of van der Maas (2002/0157453).

Re claims 1 and 8, either Johnson et al. '299 or Johnson et al. '959 discloses controlling movement of a syringe (e.g., combination of probe 36 connected to syringe 44) in multiple axes (See '299, Col. 6, lines 21-24). Either Johnson et al. '299 or Johnson et al. '959 disclose drawing a carrier liquid (See incorporated ref. (5,324,480), e.g., liquid solvent 40) into the syringe (e.g., combination of probe 36 and syringe pump 44)(See ref. '299, Col. 6, lines 27-32). As depicted in fig. 1, Either Johnson et al. '299 or Johnson et al. '959 disclose moving the syringe (e.g., combination of probe 36 and syringe 44) to a sample vial (e.g., sample containers 24). Either Johnson et al. '299 or Johnson et al. '959 disclose inserting a tip of the syringe (e.g., combination of probe 36 and syringe 44) to into the sample vial (e.g., sample containers 24). Either Johnson et al. '299 or Johnson et al. '959 disclose a plurality of sample vials (e.g., sample containers 24); and the syringe (e.g., combination of probe 36 and syringe 44) transfer liquids and adding liquids (See ref. '299, col. 6, lines 20-22), which is equivalent to collecting a portion of the sample in the syringe. As depicted in fig. 1, either Johnson et al. '299 or Johnson et al. '959 discloses withdrawing the syringe (e.g., combination of probe (36) and syringe (44)) from the sample vial (e.g., sample container 24). ). Either Johnson et al. '299 or Johnson et al. '959 disclose moving the syringe e.g., combination of probe (36) and syringe (44)) to an instrument injector (e.g., combination of seal head (80), and column (28)), and injecting the

sample into the instrument injector (e.g., combination of seal head (80), and column (28)) for analysis of the sample; (See ref. '299, fig. 2). As depicted in fig. 1, either Johnson et al. '299 or Johnson et al. '959 disclose repeating the prior steps on each of the plurality of samples. **Either Johnson et al. '299 or Johnson et al. '959 disclose do not specifically disclose cleaning the syringe.** As depicted in figs. 2 and 4, van der Maas discloses liquid reservoirs (16) with cleaning liquid for cleaning the injection needle after it has sucked up a sample from a vial (11) and delivered it to the injector (5) (See Pg. 2, par 24, lines 15-22). Therefore, to modify either Johnson et al. '299 or Johnson et al. '959 by employing cleaning the syringe would have been obvious to one of ordinary skill in the art at the time of the invention since van der Maas teaches a sampling device having these design characteristics. The skilled artisan would be motivated to combine the teachings of either Johnson et al. '299 or Johnson et al. '959 and van der Maas since either Johnson et al. '299 or Johnson et al. '959 states that his invention is applicable to automated liquid handling including phase extraction procedure and van der Maas is directed to an automated sampler in communication with a injector with a gas chromatograph.

Re claim 2, either Johnson et al. '299 or Johnson et al. '959 disclose activating a syringe plunger to expel and hold a microdrop of the solvent on the tip of the syringe, holding the microdrop on the tip of the syringe in the sample vial for a period of time to collect the sample; and drawing the microdrop and the collected portion of the sample into the syringe (combination of probe (36) and syringe (44)). (See incorporated ref. (5,760, 299), Col. 3, lines 15-38)

Re claim 3, as depicted in fig. 1., either Johnson et al. '299 or Johnson et al. '959 placing a plurality of sample vials (e.g., sample container 24) in a holder (e.g., sample rack 22) in established coordinate positions (See ref. '299, Col. 6, lines 16-19).

Re claims 4, and 5, either Johnson et al. '299 or Johnson et al. '959 discloses controlling movement of a syringe (e.g., combination of probe 36 connected to syringe 44) in multiple axes (See '299, Col. 6, lines 21-24). Either Johnson et al. '299 or Johnson et al. '959 disclose drawing a carrier liquid (See incorporated ref. (5,324,480), e.g., liquid solvent 40) into the syringe (e.g., combination of probe 36 and syringe pump 44)(See ref. '299, Col. 6, lines 27-32).

**Either Johnson et al. '299 or Johnson et al. '959 disclose do not specifically disclose providing a cleaning solution in a know coordinate position (Cl. 4), and moving the syringe to the cleaning vial and withdrawing contents of the cleaning solution into the syringe (Cl. 5).** As depicted in figs. 2, and 4, van der Maas discloses liquid reservoirs (16) with cleaning liquid for cleaning the injection needle after it has sucked up a sample from a vial (11) and delivered it to the injector (5) (See Pg. 2, par 24, lines 15-22). As depicted in fig. 2, van der Maas discloses the cleaning solution (e.g., liquid reservoirs (16) with cleaning solution) is provided in a known coordinate position. Therefore, to modify either Johnson et al. '299 or Johnson et al. '959 by employing cleaning the syringe would have been obvious to one of ordinary skill in the art at the time of the invention since van der Maas teaches a sampling device having theses design characteristics. The skilled artisan would be motivated to combine the teachings

Art Unit: 2856

of either Johnson et al. '299 or Johnson et al. '959 and van der Maas since either Johnson et al. '299 or Johnson et al. '959 states that his invention is applicable to automated liquid handling including phase extraction procedure and van der Maas is directed to an automated sampler in communication with a injector with a gas chromatograph.

Re claim 6, as depicted in fig. 1, either Johnson et al. '299 or Johnson et al. '959 disclose inserting the syringe (e.g., combination of probe (36) and syringe (44)) into the sample vial (24) to position the tip of the syringe in a head space above a liquid sample in the vial.

Re claim 7, as depicted in fig. 1, either Johnson et al. '299 or Johnson et al. '959 disclose inserting the tip of the syringe (e.g., combination of probe (36) and syringe (44)) into the sample vial (24).

### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190. The examiner can normally be reached on Monday - Friday 7:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2856

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tamiko Bellamy

T.B.

October 28, 2005

  
HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800